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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 64/139, provides information on measures taken by Member States and the United Nations system to address violence and discrimination against women migrant workers. It concludes with recommendations for future action.

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I. Introduction

1. In its resolution 64/139 on violence against women migrant workers, the General Assembly requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of that resolution; and called on Governments to take measures to protect the human rights of women migrant workers, address and prevent violence against women migrant workers, provide victims with assistance and protection, strengthen preventive efforts, punish perpetrators, and enhance data collection and bilateral, regional and international cooperation.

2. The present report, which responds to the calls for action contained in resolution 64/139, covers the two-year period from June 2009 to June 2011 following the submission of the previous report on this topic (A/64/152). It incorporates submissions from 23 Member States,[1] 5 United Nations entities,[2] and the International Organization for Migration (IOM). Concluding observations and general recommendations and comments of human rights treaty bodies and reports of the Human Rights Council special procedures system were also consulted.

3. The report provides the context within which the subject of women migrant workers may be considered; summarizes measures taken by Member States, the United Nations system and IOM to implement General Assembly resolution 64/139; and draws conclusions and recommends measures for preventing violence against women migrant workers and protecting them from violence.

II. The context

4. Globally, the number of international migrants in 2010 has been estimated at 214 million,[3] of which 93 per cent are economic migrants.[4] Women constitute 49 per cent of the international migrants. The proportion of female migrants is highest in Europe (52.3 per cent), followed by Oceania (51.2 per cent) and Latin America and the Caribbean and North America (50.1 per cent in both regions). In the other two major areas, male migrants still outnumber female migrants: in 2010,

[1] Sixteen submissions received by 10 June 2011 (from Cyprus, Germany, Japan, Jordan, Lebanon, Lithuania, Malta, Mexico, the Philippines, Portugal, Qatar, the Russian Federation, Slovakia, Trinidad and Tobago, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland) and 7 submissions received after the deadline for submission for the previous report (A/64/152) (from Argentina, Bosnia and Herzegovina, Chad, Greece, Indonesia, Serbia and the United Arab Emirates).

[2] The Economic Commission for Latin America and the Caribbean (ECLAC), the Economic and Social Commission for Asia and the Pacific (ESCAP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund (UNFPA). Information about the work of the International Labour Organization (ILO) and the United Nations Office on Drugs and Crime (UNODC) was retrieved from their websites.

[3] See the report of the Secretary-General on international migration and development (A/65/203).

[4] See Dilip Ratha, "Leveraging the migration and remittances for development" (World Bank, 17 May 2011). Available from http://www.globalmigrationgroup.org/uploads/news/2011-symposium/Migration_and_Youth_Ratha.pdf.

in Asia, they constituted 55.4 per cent of migrants and in Africa, 53.2 per cent.[5] Large numbers of women move independently as temporary migrant workers for specific service activities, including in the domestic work and care sectors, as well as for entertainment work.[6]

5. International migration can be an empowering experience for women: women may leave situations where they have limited options for ones where they exercise greater autonomy over their own lives, thereby benefiting themselves as well as their families and communities.[7] However, many women who migrate for reasons including work find themselves at risk for gender-based violence, discrimination and exploitation.

6. Those risks were summarized by the Committee on the Elimination of Discrimination against Women in its general recommendation No. 26 on women migrant workers.[8] The Committee highlighted women migrant workers' vulnerability to physical and sexual violence by their employers, and the added risk of domestic violence, as well as economic abuse and exploitation, to which those with an irregular immigration status are particularly vulnerable; and noted that access to justice for women migrant workers may be limited, thereby preventing them from obtaining remedies for employment discrimination or violence. On the other hand, where remedies and services are available, migrant women workers may face barriers to accessing them, including lack of information or language skills, restrictions on freedom of movement by employers, and fear of loss of immigration or residence status. Migrants may start off their lives in destination countries in a state of debt, financial hardship and dependency owing to high recruitment fees. Poor reintegration services, especially those characterized by a lack of gender sensitivity, may lead to further hardship for women migrants after they return to their country of origin.[9]

7. Migrant domestic workers face special issues and concerns owing to the isolation and dependence associated with their employment. The legal and practical gaps in protection of this group of migrants were highlighted by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in its general comment No. 1, on migrant domestic workers.[10] Both Committees have addressed recommendations to States parties with respect to ensuring compliance with treaty obligations.

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[5] See "Trends in international migrant stock: the 2008 revision", CD-ROM documentation (2009), United Nations database (POB/DB/MIG/Stock/Rev.2008). Available from http://www.un.org/esa/population/publications/migration/UN_MigStock_2008.pdf.

[6] See Jayati Ghosh, "Migration and gender empowerment: recent trends and emerging issues", United Nations Development Programme Human Development Research Paper, No. 2009/4 (April 2009). Available from http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_04.pdf.

[7] See *2004 World Survey on the Role of Women in Development: Women and International Migration* (United Nations publication, Sales No. E.04.IV.4). Available from http://www.un.org/womenwatch/daw/public/WorldSurvey2004-Women&Migration.pdf. See also United Nations Development Fund for Women (UNIFEM), *Claim and Celebrate Women Migrants' Human Rights through CEDAW: The Case of Women Migrant Workers*, UNIFEM Briefing Paper prepared by Jean D'Cunha (2005).

[8] A/64/38, part one, annex I.

[9] Ibid.; see, in particular, paras. 9-22.

[10] CMW/C/GC/1.

8. Women migrant workers are active contributors to development in countries of origin and destination.[11] Violence and discrimination against them constitute a human rights violation, and imposes costs on individual women migrant workers, their families, communities and States,[12] thereby adversely affecting economic and social development and the achievement of gender equality and women's empowerment.

9. Sections III and IV below review the steps and measures taken by States to empower women migrant workers and prevent and reduce their vulnerability to violence and abuse, as well as the activities of the United Nations system undertaken to support such national efforts.

III. Measures reported by Member States

10. In their contributions to the present report, Member States highlighted a range of measures taken to combat discrimination and violence against women migrant workers, including efforts in areas such as data collection and research, legislation, policy measures, preventive measures, and protection and assistance, as well as bilateral and multilateral cooperation and adherence to the provisions of international instruments. Noting the links between discrimination and violence against women migrant workers and trafficking in women and girls, States also provided information on anti-trafficking policies and programmes.[13]

A. International instruments[14]

11. The international legal framework guides States on protecting women migrant workers and establishes a framework for collaboration towards this end. Since the 2009 report (A/64/152), the number of States parties to international instruments relevant to combating discrimination and violence against women migrant workers has increased. As at June 2011, 161 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime[15] (up from 149 in 2009), 144 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime[16] (up from 130), and 127 States had ratified or acceded to the Protocol against the Smuggling of

[11] See *Crossing Borders II: Migration and Development from a Gender Perspective* (United Nations publication, Sales No. E.09.III.C.2 P); and UNIFEM, "The gender dimensions of remittances: a study of Indonesian domestic workers in East and Southeast Asia" (2009).

[12] For the costs of violence against women in general, see the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1).

[13] Separate reports of the Secretary-General on trafficking in women and girls have been submitted to the General Assembly on a biennial basis, most recently at its sixty-fifth session (see A/65/209, A/63/215, A/59/185 and Corr.1, A/57/170 and A/55/322). The next report on trafficking in women and girls will be submitted to the Assembly at its sixty-seventh session, as requested in resolution 65/190.

[14] Information in the present section is taken from Government submissions, the multilateral treaties website of the Office of Legal Affairs and the websites of the International Labour Organization and the United Nations Office on Drugs and Crime.

[15] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[16] Ibid., vol. 2237, No. 39574.

Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime[17] (up from 119). Among the reporting States, Argentina, Bosnia and Herzegovina, Cyprus, Germany, Greece, Indonesia, Lebanon, Lithuania, Malta, Mexico, the Philippines, Portugal, the Russian Federation, Serbia, Slovakia, Trinidad and Tobago, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland are parties to the Convention and the two Protocols thereto and Chad, Jordan, Qatar and the United Arab Emirates are parties to the Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

12. As at 10 June 2011, 44 States were party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[18] (up from 41). Of the reporting Member States, Argentina, Bosnia and Herzegovina, Mexico and the Philippines had become parties to that Convention. Many of the States providing input to the present report are party to relevant ILO conventions, including Convention No. 97 concerning Migration for Employment (Bosnia and Herzegovina, Cyprus, Germany, the Philippines, Portugal, Serbia, Trinidad and Tobago and the United Kingdom); Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (Argentina, Bosnia and Herzegovina, Chad, Cyprus, Germany, Greece, Indonesia, Jordan, Lebanon, Lithuania, Malta, Mexico, the Philippines, Portugal, Qatar, the Russian Federation, Serbia, Slovakia, Trinidad and Tobago, Turkmenistan, the United Arab Emirates and the United Kingdom); and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Argentina, Bosnia and Herzegovina, Chad, Cyprus, Germany, Greece, Indonesia, Japan, Jordan, Lebanon, Lithuania, Malta, Mexico, the Philippines, Portugal, Qatar, the Russian Federation, Serbia, Slovakia, Trinidad and Tobago, Turkmenistan, the United Arab Emirates and the United Kingdom).

13. A new international instrument of particular significance for migrant women workers was adopted by the General Conference of the International Labour Organization on 16 June 2011: the Convention concerning Decent Work for Domestic Workers and the accompanying Recommendation. The Convention proposes measures to ensure effective protection of domestic workers against all forms of abuse, harassment and violence, including by employment agencies; and promotion and protection of their human and labour rights, including fair wages, weekly rest and paid leave, decent working conditions, protection of security and health, and the availability of complaint mechanisms, labour inspections and sanctions against abusive employers. It encourages States to conclude bilateral, regional or multilateral agreements to further protect overseas domestic workers. The new Convention will come into force after two countries have ratified it.

14. Adherence to regional instruments addressing violence against women can also contribute to preventing and addressing violence against women migrant workers. This is, for example, the case for the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (Argentina and Trinidad and Tobago) and the Convention on preventing and combating violence against women and domestic violence, recently adopted by the Committee of Ministers at the Council of Europe (Germany).

[17] Ibid., vol. 2241, No. 39574.

[18] Ibid., vol. 2220, No. 39481.

B. Data collection and research

15. Data are critical for developing sound policies and programmes addressing discrimination and violence against women migrant workers. However, little information about the scope and availability of specific data was received. Some States noted a lack of data on cases of violence against women migrant workers and of sex-disaggregated data on migrant workers. Only Bosnia and Herzegovina and Portugal drew attention to available data on trafficking of migrant women and violence against women migrant workers. The Russian Federation collected data on women migrant workers, while Argentina disaggregated data on migrants by variables such as sex, nationality and age. Indonesia collected data on returnees and undocumented migrants. Several States, including Japan, Mexico and Trinidad and Tobago, reported on their data on violence against women in general.

16. In order to strengthen the knowledge base, some States had introduced procedures or tasked institutions with data collection and research related to the employment of migrants, including women migrant workers. Greece, for example, had established an observatory on employment for migrants to inform immigration policies. The United Arab Emirates announced the establishment of a statistics centre, which is also expected to provide information on the problems encountered by domestic workers.

17. Efforts to enhance research and analysis on women migrant workers' concerns continued. Argentina, for example, had implemented two UNFPA-supported research projects, one on the situation of migrant domestic workers from Paraguay and the other on the challenges Bolivian migrant women encounter with respect to Argentina's health system. Mexico carried out a study on care services currently provided by its consulates in the United States of America to Mexican migrant women who were victims of domestic violence.

C. Legislation

18. States have in place a range of general legal measures that can be used to protect women migrant workers from discrimination and violence and to penalize perpetrators. Constitutional law, anti-discrimination and employment acts, equal treatment and equal opportunities laws, and labour and migration laws can protect women migrant workers from discrimination, abuse and harassment. Examples of such protection were noted by Argentina, Chad, Greece, Japan, Jordan, Lithuania, Mexico, the Philippines, Portugal, Qatar, the Russian Federation, Turkmenistan, Serbia, Slovakia and Trinidad and Tobago. Similarly, provisions in penal codes established to address and punish sexual assault and abuse, sexual exploitation and domestic violence can also offer protection for women migrant workers, as was noted by Japan, Portugal and Qatar. In addition to their general legal frameworks, some countries (Argentina, Cyprus, Mexico, Portugal, Serbia and the United Arab Emirates) have in place specific laws designed to protect and support all women, including women migrant workers, against crimes such as sexual and domestic violence, slavery and human trafficking. Some States (Indonesia and the Philippines) reported on laws that aim to protect a country's own nationals who migrate overseas, without specifically targeting women.

19. Some countries reported immigration laws and labour legislation, ministerial decisions, regulations and agreements that protect domestic workers, including migrant domestic workers. For example, the labour law of the United Arab Emirates protects female domestic workers from hazardous working conditions, while Jordan's labour law provides domestic workers with the same legal protection granted to other workers. Jordan, Lebanon and the United Arab Emirates have introduced standard labour contracts specifying the rights of domestic workers, such as wages, working hours, paid leave and health care, and the responsibilities of employers. States have also strengthened regulation of recruitment agencies and employers by imposing sanctions and penalties for abuse of migrant workers (Lebanon) and by granting workers the right to find another employer (Jordan). The immigration legislation of the United Kingdom, on the other hand, specifically addresses exploitation of women migrant domestic workers.

20. The promotion of legal migration is a priority for Greece, whose immigration law promotes legal employment of foreigners and the regularization of irregular migrants. Labour inspectorates play a significant role in monitoring implementation, and compliance by employers.

21. While legislation and related regulations are key elements in preventing and addressing violence against women migrant workers, the information received gave little indication of the application, or impact, of existing general legal provisions for addressing violence against migrant women workers. There was no discussion of any particular challenges that certain groups of women migrant workers, such as domestic workers, may face when seeking the protection of the law against discrimination and violence.

D. Policies

22. Some countries, including Argentina, Malta and Portugal, emphasized the importance, given the growing numbers of migrant women, including women migrant workers, of having in place gender-sensitive and human rights-based policies. Towards this end, some States have included measures to address violence against women migrant workers in various national action plans and strategies. Cyprus, Japan, Portugal, Serbia and Slovakia included women migrant workers within the scope of policies on violence against women and trafficking. Other States addressed violence against migrant women but without a specific focus on women migrant workers. For example, a number of Portugal's national plans, including those on domestic violence, incorporated measures on violence against migrant women such as awareness-raising for immigrant communities, specialized training for authorities and services for survivors. Slovakia's action plan on violence against women included prevention activities targeting the special needs of migrant women.

23. While lack of a specific budget allocation was reported as an obstacle to the effective implementation of plans, there was little mention of other challenges, nor of positive impacts or results achieved in addressing violence against women migrant workers through the implementation of such policies and plans.

E. Preventive measures, training and capacity-building

24. While prevention is integral to efforts addressing violence against women migrant workers, reported prevention measures, in Cyprus, Greece, Malta, Mexico, Japan, Serbia and Slovakia, focused more broadly on eliminating violence against women and on human trafficking. In those countries, preventive measures included general awareness-raising, information dissemination and education through conferences, seminars, publications and brochures. These initiatives were often undertaken with partners, and in multiple languages. In Portugal, awareness-raising activities on violence against women and the rights of migrant women who were victims of violence specifically targeted immigrant communities.

25. Information on the rights of migrants and immigration procedures that is easily accessible to migrants can help diminish risks of abuse and exploitation. To that end, Mexico created a women migrants portal providing information on migration processes and the rights of migrant women. In Lithuania, information on immigration procedures is available in several languages. Lebanon and Jordan produced guides and brochures on the rights and responsibilities related to the employment of domestic workers. States also reported on awareness-raising for their nationals migrating overseas with regard to the benefits and risks of migration through annual campaigns (the Philippines) and pre-departure training sessions (Indonesia).

26. Migrant women, including women migrant workers, can become victims of xenophobia and racism, for example, through media portrayals. A number of States have taken steps to counter such risks by sensitizing the media (Greece) and monitoring radio and television programmes that promote negative, racist or sexist stereotypes (Argentina), and in this regard, focusing especially on the portrayal of migrant women.

27. In addition to awareness-raising, States (Indonesia, Japan, Lebanon, Mexico, Portugal, Qatar, Slovakia and the United Arab Emirates) have conducted training programmes for government officials, the police, the judiciary, medical staff and other service providers to ensure gender-sensitive policy implementation and service provision in the context of violence against women, human trafficking, gender equality, protection of migrant workers and other related issues. Portugal has implemented training for personnel staffing support centres and helplines for immigrants. Lebanon and Qatar have organized training programmes for labour inspectors so as to ensure compliance with labour legislation. The United Arab Emirates established a centre for training of governmental officials on violence against women, trafficking and illegal immigration.

28. Indonesia undertook steps to strengthen institutional capacities in support of migrant workers abroad, including the protection of and assistance to women migrant workers who were victims of violence. This involved the establishment as well of a dedicated unit within its Ministry of Foreign Affairs.

F. Protection and assistance

29. Migrant women who are victims of violence need a range of services to help them recover from the trauma of their experience and to ensure that violence is not repeated. A number of States (including Argentina, Bosnia and Herzegovina,

Cyprus, Greece, Indonesia, Japan, Jordan, Lebanon, Portugal, Qatar, the Russian Federation, Slovakia and the United Arab Emirates) reported on the protection and assistance available to this group of women, including shelters, hotlines, legal assistance, psychological and medical services, and the provision of information on services, vocational training and redress. This support was often available in several languages and was provided in cooperation with non-governmental organizations. However, no data were provided on the numbers or cases of women migrant workers victims of violence who used available services. In addition, States drew attention to the persistent challenge of the lack of or insufficient services for women victims of violence in general.

30. Progress continues to be made in providing protection and support under immigration laws and work-permit arrangements for foreign nationals, which can also be of benefit to women migrant workers who are victims of violence. Portugal reported that immigrant women survivors of domestic violence can acquire a residence permit independently from their husbands. Argentina, Greece, Lebanon, Mexico, Portugal and Slovakia highlighted provisions in labour and immigration laws providing foreign nationals with access to medical care, education and economic aid. Portugal also extends medical care and education to the children of undocumented migrants. Greece, Lebanon, Lithuania, Malta, the Philippines, Qatar and Slovakia reported having redress mechanisms for receiving, investigating and addressing complaints of discrimination and violence against migrant workers, including domestic workers. Indonesia, Japan, the Philippines, Slovakia and Trinidad and Tobago reported monitoring and inspecting workplaces to ensure compliance with labour laws.

31. Indonesia and the Philippines provided reintegration services to returnees. A special terminal exists at Indonesia's international airport whose function is to provide assistance.

G. Bilateral, regional, international and other cooperation

32. Bilateral and multilateral cooperation is key to addressing violence against women migrant workers. A number of States (Indonesia, Jordan, Lebanon, Qatar and the United Arab Emirates) reported on bilateral agreements and memorandums of understanding between countries of origin and countries of destination aimed at improving protection of migrant workers. Such agreements and memorandums covered a range of issues, including the regulation of recruitment and employment agencies and the protection of potential migrants from illegally operating agencies, the use of official employment contracts, and wage scales of migrant workers.

33. Regional cooperation included a project involving Kazakhstan, the Russian Federation and Tajikistan, which aimed at providing services to migrants. The project was supported by the United Kingdom, and implemented by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), IOM and the World Bank. Several States hosted or participated in regional and international conferences on migration, combating violence against women and human trafficking.

34. Slovakia reported collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) on protecting migrant women from abuse;

and Indonesia reported collaboration with IOM on training government officials to deal with protection issues affecting migrants.

IV. Activities of the United Nations system

35. Intergovernmental processes, global meetings and expert bodies continue to address discrimination and violence against women migrant workers. United Nations entities and IOM work to promote and protect the rights of women migrant workers in support of national efforts.

A. Global legal and policy development

1. Resolutions and recommendations

36. Legal and policy development continued through resolutions and recommendations adopted by United Nations intergovernmental and expert bodies. At its sixty-fifth session, the General Assembly adopted resolution 65/228 on strengthening crime prevention and criminal justice responses to violence against women, in which the Assembly emphasized the importance of preventing violence against migrant women by recognizing the needs and special vulnerabilities of migrant women and implementing measures to combat racism, xenophobia and related forms of intolerance.

37. Since the finalization of the previous report, the Human Rights Council has adopted several resolutions that also address the situation of migrant women and children, and of women migrant workers. These include: resolution 15/16 on the human rights of all migrants (see A/65/53/Add.1, chap. I), calling for the effective promotion and protection of the human rights and fundamental freedoms of all migrants, including, in particular, the right to life and physical integrity, especially that of women and children, and information campaigns to enable informed decision-making and reduce vulnerability to trafficking, transnational organized smuggling and criminal networks; resolution 15/23 on the elimination of discrimination against women (see A/65/53/Add.1, chap. I), addressing elimination of discrimination against women in vulnerable situations, such as migrant women; resolution 14/12 on accelerating efforts to eliminate all forms of violence against women (see A/65/53 and Corr.1, chap. III.A), calling for ensuring due diligence in preventing and addressing all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance, and multiple or aggravated forms of discrimination and disadvantage that can lead to targeting or vulnerability to violence of some women and girls, including migrant women; resolution 13/20 on the rights of the child (see A/65/53 and Corr.1, chap. II.A), urging protection of migrant children from sexual violence and abuse and providing victims with special protection and assistance; and resolution 12/6 on human rights of migrants: migration and human rights of the child (see A/65/53 and Corr.1, chap. I.A), calling for ensuring that migrant children, regardless of their legal status, enjoy all human rights and urging integration of a gender perspective into migration policies and programmes so as to better protect migrant girls.

38. Along the same lines, the Commission on the Status of Women has adopted agreed conclusions and resolutions that address the situation of women and girl

migrant workers. The agreed conclusions on women's and girls' access to and participation in education, training and science and technology, including for the promotion of women's equal access to full employment and decent work (E/2011/27, chap. I.A), adopted by the Commission at its fifty-fifth session (12 March 2010, 22 February-4 March and 14 March 2011), called for the implementation of gender-sensitive policies and programmes for women migrant workers, the provision of safe and legal migration channels which recognize their skills and education, the facilitation of their productive employment, decent work and labour-force integration, including in the fields of education, science and technology, and steps to ensure that all women, including care workers, are legally protected against violence and exploitation. In its resolution 54/4 on women's economic empowerment (see E/2010/27 and Corr.1, chap. I.D), adopted by the Commission at its fifty-fourth session (13 March and 14 October 2009 and 1-12 March 2010), the Commission urged countries of origin, transit and destination to incorporate gender perspectives into migration policies and programmes, promote the full enjoyment of human rights and fundamental freedoms by women migrants, and address discrimination, all forms of exploitation, ill treatment, unsafe working conditions and violence, including sexual violence and trafficking in women and girls. In resolution 54/7 on ending female genital mutilation (see E/2010/27 and Corr.1, chap. I.D), the Commission urged States to take targeted measures for refugee and migrant women and their communities in order to protect girl children from female genital mutilation, including when the practice occurs outside the country of residence.

39. The human rights treaty bodies established under the international human rights treaties continued to address violence against women migrant workers. At its thirteenth session (22 November-3 December 2010), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted General Comment No. 1, on migrant domestic workers, comprehensively addressing social, economic, cultural, civil, political and labour rights violations against them. The General Comment called for the promotion and protection of the rights of domestic workers at all stages, decent work for domestic workers, and proper regulation of such work by national labour legislation so as to ensure that domestic workers enjoy the same level of protection as other workers, and have effective access to justice and remedies.

40. During the period covered in the present report, the Committee against Torture, at its forty-third and forty-fourth sessions, highlighted, in particular, in its concluding observations on the reports of States parties, the dire situation of undocumented migrant women who were victims of gender-based violence; the widespread physical, psychological and sexual abuse of women migrant domestic workers; migrant women victims of domestic violence who seldom sought protection for fear of losing residence status; and the absence of comprehensive or disaggregated data on complaints, investigations, prosecutions and convictions in cases of ill treatment of migrant workers (see A/65/44). The Committee consequently urged States parties to prevent violence and abuse against women migrant workers by ensuring their right to lodge complaints and the imposition of sanctions against abusive employers; and also urged States parties to consider enacting legislation that would enable migrant women victims of violence to seek protection without forfeiting their residence permit, and to compile disaggregated statistical data and information on cases of ill treatment of migrant workers.

41. Special rapporteurs of the Human Rights Council highlighted the vulnerability of women migrant workers to violence and links to the exercise of other rights. The Special Rapporteur on the human rights of migrants pointed out that migrants were often subject to violence, threatening their health and safety, with limited information about risks and access to health services (see A/HRC/14/30). Migrant domestic workers were especially vulnerable to such violence owing to their exclusion from forms of legal protection (ibid., paras. 29-30). The Special Rapporteur posited a link between violence and the right to adequate housing, noting that live-in migrant domestic workers seldom reported abuse, as they thereby risked deportation, loss of employment, homelessness and vulnerability to further violence, such as sexual exploitation and trafficking (ibid., para. 55). The Special Rapporteur recommended that States provide migrants with free information and advice on relevant laws and policies to help them exercise their rights (ibid., para. 74); adequate, appropriate and specialized medical assistance (ibid., para. 82); and accommodation for those wanting to leave abusive employers (ibid., para. 90). He also recommended that mechanisms be put in place to monitor workplace conditions. The Special Rapporteur emphasized the importance of protection for migrant children, especially girls, considering their numbers and high vulnerability to sexual violence and gendered human rights violations (A/HRC/17/33 para. 32), including in his reports on his missions to Japan (A/HRC/17/33/Add.3), Romania (A/HRC/14/30/Add.2) and the United Kingdom (A/HRC/14/30/Add.3).

42. In her report on her mission to Zambia, the Special Rapporteur on violence against women, its causes and consequences, pointed out that women migrant workers were often sexually abused, but seldom approached law enforcers and health workers for assistance because of their irregular status (see A/HRC/17/26/Add.4, para. 28).

43. The Special Rapporteur on trafficking in persons, especially women and children, recommended that specialized assistance should be given to trafficked persons regardless of their immigration status, and that the granting of residency status and access to services should not depend on their participation in criminal proceedings (A/HRC/14/32).

2. Intergovernmental meetings

44. The Global Forum on Migration and Development (GFMD) is a State-led process established following the General Assembly High-level Dialogue on International Migration and Development held in 2006. During the period covered by this report, the Forum held two meetings, in Greece in 2009 and in Mexico in 2010. These meetings underscored the importance of protecting the human rights of women migrant workers and ensuring gender-sensitive migration and development policies. Key recommendations adopted at these meetings focused on the collection of sex-aggregated data and the development of gender-sensitive guidelines for policies, programmes and budgets, with appropriate targets and indicators. In September 2010, UN-Women co-organized with the Government of Mexico (Global Forum Chair in 2010), a pre-Forum IV high-level consultation on promoting and protecting the rights of women migrant workers, which contributed to the outcomes of the Forum 2010 round table on gender, family, migration and development. UN-Women co-wrote with IOM the annex to the official Government background paper for the round table, entitled "Uncovering the interfaces between gender, family, migration and development: the global care economy and chains". Also, at

this round table, UN-Women co-presented with the Government of Portugal a paper on women migrant workers' labour rights, and actively supported civil society participation. The Chair of the 2011 Global Forum (Switzerland) has identified "Global care workers at the interface of migration and development" as a sub-theme under "Labour mobility" for the current year. The Chair has further requested UN-Women to provide technical and organizational assistance in support of three regional meetings on this theme, with a focus on expanding good practices, which are being organized in partnership with IOM and ILO. The Fourth United Nations Conference on the Least Developed Countries, which was held in Istanbul from 9 to 13 May 2011, included migrant remittances and diaspora investment for development and the protection of migrant workers as key priorities in its Programme of Action for the Least Developed Countries for the Decade 2011-2020.[19]

B. Initiatives of United Nations entities and the International Organization for Migration in support of national efforts

1. Research and data collection

45. United Nations and related entities support the increased availability of data on migrant women and on the violence directed against them. UNFPA supported the collection by national institutions in Bosnia and Herzegovina of sex- and age-disaggregated migration data and data on gender-based violence. UN-Women supported the generation by national authorities in India of data on violence against women migrant workers; also in India, UNFPA will support research on violence against migrant women and children.

46. UN-Women supported the Ministry of Overseas Indian Affairs in its commissioning of a research study on analysing the trends and patterns in the activities of South Asian women migrant workers in the Gulf and Arab States, designed to inform gender-sensitive and rights-based policy formation, including a pre-departure orientation programme for awareness-raising and capacity-building. UNESCO promoted research on the human rights situation of women migrant workers and published essays on prevention of trafficking and on victim protection. The Economic Commission for Latin America and the Caribbean (ECLAC) undertook case studies on migrant populations along the borders of 10 Latin American and Caribbean countries with a view to informing rights-based policy formulation aimed at protecting migrants, especially women and youth, from violence. IOM conducted research on women's international labour migration, trafficking and gender-based violence.

47. A 2010 ILO publication on international labour migration highlighted, among other issues, the vulnerability of women migrant domestic workers and the vulnerability of women and young temporary migrant workers. A 2011 report by the United Nations Office on Drugs and Crime (UNODC) on the involvement of organized criminal groups in the smuggling of migrants from West Africa to the European Union (EU) area noted the sometimes overlapping nature of trafficking in persons and smuggling of migrants, and the fact that those who were most clearly victims of trafficking were overwhelmingly women.

[19] A/CONF.219/3/Rev.1.

2. Support for legislative and policy development

48. Entities of the United Nations system have collaborated with national authorities in developing tools supporting improvement of laws and policies that address violence against women migrant workers and promote their human rights. UN-Women and ECLAC organized an expert group meeting in September 2010 in Trinidad and Tobago, which resulted in the creation of a model framework for national action plans on violence against women. Set out therein were recommendations accompanied by explanatory commentaries and good practice examples designed to assist States in revising, developing or updating relevant plans.[20] The framework stresses that national action plans should recognize that women's experience of violence is shaped by many variables, including migrant or refugee status, and that strategies and actions should address the specific concerns faced by different groups of women, while aiming for equality of outcomes for all women.

49. IOM undertook efforts to foster inter-State dialogue and cooperation on protecting women migrant workers. Jointly with the Organization for Security and Cooperation in Europe (OSCE), IOM implemented a project aimed at increasing gender sensitivity in future labour migration policies of OSCE member States. Towards this end, IOM, OSCE and ILO facilitated training workshops in Kazakhstan, Sweden and Austria. UN-Women supported the incorporation of a gender perspective in migration policies and management in Nepal and Viet Nam. In Nepal, UN-Women supported the development by national partners of the new draft migration policy and is also supporting the inclusion of women migrant workers' concerns in the development of the five-year national strategy and plan of action of the Ministry of Labour and Transport Management, and a strategy to explore alternative forms of decent employment outside domestic work. In Viet Nam, UN-Women supported the incorporation by the Department of Overseas Labour of a gender-sensitive, development-oriented perspective in migration management, including initiatives covering, inter alia, pre-departure training and services, strengthening hotline and shelter services and facilitating savings and remittances through official banking services.

3. Awareness-raising, capacity-building and other prevention measures

50. Entities of the United Nations system and IOM supported advocacy, awareness-raising and capacity-building efforts to promote the human rights of women migrant workers. For example, IOM sensitized migrant communities in Zimbabwe on gender-based violence and abusive labour practices and organized campaigns promoting safe and regular migration. UNFPA implemented a project to prevent reproductive rights abuses and gender-based violence against migrant women along the borders of 10 Latin American and Caribbean countries. UN-Women supported awareness-raising on violence against women migrant workers in the Lao People's Democratic Republic; sensitized journalists in Thailand on discrimination and violence against women migrant workers at all stages of migration; and supported information dissemination on safe migration for potential women migrants through community radio in Indonesia, and recommended measures to be taken when there is a threat of violence.

[20] See http://www.unwomen.org/publications/handbook-for-national-action-plans-on-violence-against-women/.

51. Entities of the United Nations system and IOM provided or supported training for different stakeholders on protecting women migrant workers' human rights. In 2010, the five regional commissions and the Department of Economic and Social Affairs of the United Nations Secretariat launched a project aimed at strengthening national capacities to deal with international migration and, in particular, at maximizing development benefits and minimizing negative impact of the phenomenon. The issue of violence against women migrant workers is being addressed in a number of national case studies that are currently under preparation. In several countries in Asia, including Bangladesh, Cambodia, Indonesia and Viet Nam, UN-Women partnered with different government ministries, non-governmental organizations and United Nations entities to increase capacity and generate awareness; and in Cambodia, contributed to the production of pre-departure training manuals which addressed, inter alia, gender-based violence and women migrants' access to justice issues. IOM ran training programmes on protecting the human rights of women migrant victims of abuse and trafficking for law enforcement, immigration and border officials, prosecutors, service providers and non-governmental organizations in many countries. In 2009, ILO produced a guidebook, available in several languages, for domestic workers in Thailand. The guidebook aims at promoting the rights and responsibilities of domestic workers, explains the benefits and risks associated with domestic work and offers workers advice on how to interact with their employer so as to establish a mutually satisfactory working environment and system of remuneration and benefits for the worker.

4. Protection and support for victims of violence

52. United Nations and related entities supported national efforts to increase protection and services for women migrants who were victims of violence, which in some instances were targeted specifically at women migrant workers. For example, IOM, in partnership with several stakeholders in many countries, provided accommodation, counselling, legal and medical services, and skills-building. The Organization helped establish repatriation and reintegration schemes for abused women returnees and trafficked women. UN-Women supported community-based organizations in Indonesia in documenting cases of rights violations and violence against women migrant workers, with a view to increasing their access to legal assistance.

V. Conclusions and recommendations

53. **Action has been taken nationally, regionally and internationally to address violence and discrimination against women migrant workers. The number of States parties to relevant international instruments has increased. The adoption of the Convention concerning Decent Work for Domestic Workers has resulted in a major addition to the international human rights framework relevant to the protection of women migrant workers.**

54. **States, sometimes with the support of the entities of the United Nations system and IOM, have continued to strengthen legal frameworks, policies, national action plans and strategies that contribute to preventing violence and discrimination against women migrant workers. Particularly promising actions in this regard include: extending labour laws so as to cover domestic workers,**

introducing standardized contractual arrangements for domestic workers, regulating and monitoring recruitment agencies in order to prevent abusive and illegal practices, disseminating information to potential migrant women so as to promote legal migration, training officials, raising public awareness with respect to combating violence, racism and xenophobia against women migrant workers, and providing services to women migrant workers who are victims of violence. Bilateral and multilateral agreements and cooperation provide a strong basis for addressing discrimination and violence against women migrant workers.

55. At the same time, key gaps persist in respect of implementing global normative and policy frameworks related to protecting women migrant workers against discrimination, violence and violations of their rights. While this group of women may benefit from existing general legal and policy frameworks governing migration, gender equality, violence against women and labour, there is a lack of targeted measures to specifically address discrimination and violence against women migrant workers. The knowledge base remains inadequate, and gaps persist in data collection and dissemination, and in the research and analysis needed to inform policy and programme interventions. By the same token, where laws, policies and other measures are in place, there is little reporting on the impact of measures taken and results achieved in regard to women migrant workers. Undocumented women migrant workers remain particularly vulnerable to violence, exploitation and discrimination.

56. Against this background, States should continue to ratify and implement international instruments, with a special focus on early ratification of the Convention concerning Decent Work for Domestic Workers and the Recommendation related thereto. States should enhance gender-sensitive data collection, research, analysis and dissemination on migration profiles, and on violence and violations of migrant women's rights at all stages of the migration process; on migrant women workers' contribution to development; on remittances (based on macrodata); and on costs of violence against women migrant workers, for appropriate policy and programme formulation and implementation.

57. National labour laws should protect women migrant workers, including domestic workers, and should include robust monitoring and inspection mechanisms in line with relevant ILO Conventions and other instruments, so as to ensure compliance of States parties with their international obligations. Immigration laws should incorporate gender perspectives so as to prevent discrimination against women, in particular in regard to independent migration, and should permit migrant women victims of violence to apply for residency permits independently of abusive employers and spouses.

58. States should ensure policy coherence among migration, labour and anti-trafficking policies and programmes that are gender-sensitive and rights-based. They should promote safe and legal migration, prevent violence and protect the human rights of all women migrant workers throughout the migration process. Such policies should be based on good data and analysis and the institutionalized engagement of women migrant workers throughout the policy process; should be adequately resourced; should include measurable

targets and indicators, timetables, and monitoring and accountability measures, in particular for recruiting and employment agencies, employers and public officials; and should provide for impact assessments and ensure multisector coordination within and among countries of origin, transit and destination through appropriate mechanisms.

59. **States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers and facilitate effective action in law enforcement and prosecution, prevention, capacity-building, victim protection and support, exchange of information and good practices that combat violence and discrimination against women migrant workers. They should work to reduce the transaction costs of remittances; facilitate woman-friendly, safe, convenient and efficient modes of transfer and receipt; and encourage the establishment of gender-sensitive channels of productive investment. They should also expand the availability of comprehensive reintegration and support services for women migrant workers and their families.**

60. **Education programmes, awareness-raising and other prevention efforts directed at migrant women, recruiting and employment agencies, employers, the media, public officials and the population in general, should continue in origin and destination countries, and should be conducted in ways that are appropriate to the target groups. They should include a focus on promoting and protecting the rights of women migrant workers, draw attention to existing laws and support for migrant women, highlight the opportunities and risks of migration, and be multilingual, where appropriate. Pre-departure orientation and training for potential women migrant workers should be gender-sensitive and rights-based, and should focus on rights protection and obligations. Gender-sensitive training programmes for police, immigration officials, judicial personnel, and social and health workers should be strengthened and institutionalized, to ensure effective responses to violence and discrimination against women migrant workers, with full respect for their human rights. Such programmes should be governed by standardized procedures, and include gender-sensitive performance criteria, for greater impact.**

61. **States should strengthen support systems for victims of violence and ensure their access to them in accordance with human rights standards, irrespective of their immigration status. Such support should be linguistically and culturally appropriate, and should include provision of information on women migrant workers' rights, their access to redress, legal, psychological, medical and social assistance, access to shelters and compensation for damages. Women migrant workers should not be penalized for lodging complaints.**

62. **The United Nations system and related entities have provided support to national authorities and civil society in addressing violence and discrimination against women migrant workers. They should continue these efforts and coordinate them in such a way as to support effective implementation, enhance their impact and strengthen positive outcomes for women migrant workers.**